

**CIVIL SERVICE COMMISSION MINUTES**

**FEBRUARY 4, 2004**

A meeting of the Civil Service Commission was held at 2:30 p.m., in Room 358 at the County Administration Building, 1600 Pacific Highway, San Diego, California.

Present were:

Sigrid Pate  
Marc Sandstrom  
A.Y. Casillas  
Barry I. Newman

Absent was:

Gordon Austin

Comprising a quorum of the Commission

Support Staff Present:

Larry Cook, Executive Officer  
Ralph Shadwell, Senior Deputy County Counsel  
Selinda Hurtado-Miller, Reporting

**Approved  
Civil Service Commission**

**February 18, 2004**

**CIVIL SERVICE COMMISSION MINUTES  
FEBRUARY 4, 2004**

CLOSED SESSION: No items for discussion.

2:30 p.m.      OPEN SESSION: Room 358, 1600 Pacific Highway, San Diego, California 92101

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<u><b>Discussion Items</b></u> <b>4, 5</b>	<u><b>Continued</b></u> <b>7</b>	<u><b>Referred</b></u>	<u><b>Withdrawn</b></u>
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COMMENTS: Motion by Newman to approve all items not held for discussion; seconded by Casillas. Carried.

**OPEN SESSION AGENDA  
County Administration Center, Room 358**

NOTE: Five total minutes will be allocated for input on Agenda items unless additional time is requested at the outset and the President of the Commission approves it.

**MINUTES**

1. Approval of the Minutes of the regular meeting of January 21, 2004.

**Approved.**

**CONFIRMATION OF ASSIGNMENTS**

2. Commissioner Newman: Richard Pinckard, Esq., on behalf of **2004-03\***, former Sheriff's Sergeant-Detentions, appealing an Order of Termination and Charges from the Sheriff's Department.

**Confirmed.**

3. Commissioner Casillas: Randall A. Dierlam, Esq., on behalf of **2004-04\***, former Deputy Sheriff, appealing an Order to Terminate and Charges from the Sheriff's Department.

**Confirmed.**

**DISCRIMINATION**

**Findings**

4. Commissioner Sandstrom: **Susan Mazza**, Deputy District Attorney IV, alleging discrimination based on political affiliation and the expression of free speech by the Office of the District Attorney.

**FINDINGS AND RECOMMENDATIONS:**

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\* The identity of the peace officer is held confidential per Penal Code Section 832.7 (San Diego Police Officers' Association, et al. v. City of San Diego Civil Service Commission).

*Prior to the Findings and Recommendations being read by Commissioner Sandstrom, Dennis Floyd, Sr. Deputy County Counsel, as well as Ms. Mazza addressed the Commission.*

At the regular meeting of the Civil Service Commission on September 25, 2003, the Commission appointed Marc Sandstrom to investigate the complaint submitted by Complainant. The complaint was referred to the Office of Internal Affairs for investigation and report back. The report of OIA was received and reviewed by the Investigating Officer. Commissioner Sandstrom reported on this matter and concluded that no hearing be conducted under the provisions of Civil Service Rule VI; that the Commission acknowledge receipt of the appended OIA Final Investigative Report; and that the proposed decision shall become effective upon the date of approval by the Civil Service Commission.

**Motion by Sandstrom to (1) deny a Rule VI hearing and (2) that the Commission acknowledge receipt of the OIA Final Investigative Report; seconded by Casillas. Carried.**

<b>AYES:</b>	<b>Pate, Sandstrom, Casillas</b>
<b>NOES:</b>	<b>Newman</b>
<b>ABSTENTIONS:</b>	<b>None</b>
<b>ABSENT:</b>	<b>Austin</b>

5. Commissioner Pate: **Herbert E. Castro**, Correctional Deputy Probation Officer applicant, alleging medical/disability discrimination by the Department of Human Resources (DHR).

#### **FINDINGS AND RECOMMENDATIONS:**

At the regular meeting of the Civil Service Commission on December 17, 2003, the Commission appointed Sigrid Pate to investigate the complaint submitted by Complainant. Mr. Castro's complaint also included a Rule X selection process appeal. The complaint was referred to the Office of Internal Affairs for investigation and report back. The report of OIA was received and reviewed by the Investigating Officer, who concurred with the findings that there was no evidence to support Employee's allegations of medical/disability discrimination and that probable cause that a violation of discrimination laws occurred was not established in this matter. It is therefore recommended that this complaint be denied; that the Commission determine that a Rule X selection process hearing is not warranted; that the Commission approve and file this report with the appended OIA Final Investigative Report with a findings of no probable cause that Complainant has been discriminated against on any basis protected by law; and that the proposed decision shall become effective upon the date of approval by the Civil Service Commission.

**Motion by Pate to approve Findings and Recommendations; seconded by Newman. Carried.**

## **SELECTION PROCESS**

### **Complaints**

6. **Herbert E. Castro**, appealing DHR's determination that he is ineligible to compete in the selection process for the classification of Correctional Deputy Probation Officer I. (Held in abeyance pending the completion of the above discrimination investigation. See item #5.)

RECOMMENDATION: Take action pending the outcome of Mr. Castro's discrimination investigation.

**Motion by Pate to deny Rule X Selection Process hearing; seconded by Sandstrom. Carried.**

## **COMPULSORY LEAVE**

### **Appeals**

7. Stephine M. Wells, Esq. on behalf of **Sue Tiu**, Child Support Officer, appealing Ms. Tiu's placement on Compulsory Leave by the Department of Child Support Services. (Continued from the Commission's January 21, 2004 meeting)

RECOMMENDATION: Continue until the next meeting pending input from Ms. Tiu and Attorney Wells.

**Continued.**

## **OTHER MATTERS**

8. Public Input.

ADJOURNMENT: 3:20 p.m.

NEXT MEETING OF THE CIVIL SERVICE COMMISSION WILL BE FEBRUARY 18, 2004.